

REMARKS

In the Office Action, claims 1, 3-11, and 18-20 were rejected as anticipated by U.S. Patent No. 5,601,595 to Smith and claims 1-20 were rejected as anticipated by WO99/25252 (Bosma). Applicants respectfully submit that the claims submitted herein patentably distinguish over these references.

The courtesy extended by Examiner Jessica Baxter in the telephone conversation with the undersigned on December 5, 2005 is acknowledged with appreciation. During the telephone conversation independent claims 1, 12 and 18 were discussed, as well as the Smith and Bosma references.

Turning first to claim 1, this claim recites inter alia that the first and second converging regions are positioned radially and axially inwardly of the respective mounting sections such that they are a closer axial distance to the center point of the longitudinal axis than the mounting section and the filter has a plurality of struts extending longitudinally from the first converging region to the second converging region. In the Smith patent, the struts emanating from hub 24 extend outwardly to engage the vessel wall as do the struts emanating from hub 22. Smith explains, "Strut 16 extends from hub 24 generally longitudinally and then curves in a transverse direction away from the longitudinal axis of filter 10. The strut 16 then curves in a longitudinal direction away from hub 24 closer to free end 18 of strut 16." (col. 4, lines 17-20). Similarly, the struts emanating from hub 22 extend outwardly to engage the vessel wall. Thus, these struts of Smith terminate in free ends 18. In contrast, as explained to the Examiner, in the present invention defined in claim 1, the struts extend from the first converging region to the second converging region. Thus, they do not terminate in free ends as in Smith but terminate in converging regions. Consequently, Smith does not anticipate claim 1 since it lacks a filter having a plurality of struts extending from the first converging region to the second converging region.

In the Bosma publication, the filter sections are at the end regions of the filter. Thus, the filter sections of Bosma are not positioned radially and axially inwardly of the mounting section as recited in claim 1. Page 10 of Applicants' specification and Figure 5 illustrate the axial and radially inward feature of the filter sections

of Applicants' claim 1. This directs blood clots to the center of the vessel. Further, the filter sections of Bosma are spaced further from the center point than the strips which engage the vessel wall, the opposite of the invention of claim 1 which recites that the first and second converging regions are a closer axial distance to the center point of the longitudinal axis than the ends of the mounting section. This was also explained to the Examiner in the telephone conversation.

In view of the foregoing, withdrawal of the rejection of claim 1 as anticipated by Smith and Bosma is respectfully requested. Claims 2-9 and 11 depend from claim 1 and are therefore believed patentable for at least the same reasons that claim 1 is patentable. (Claim 10 has been canceled without prejudice or disclaimer).

Turning now to claim 12, this claim recites inter alia the struts extend from the first end and from the second end radially inwardly towards the center point of the filter to form first and second filtering sections such that the filtering sections are each positioned a closer axial distance to the center point of the filter than the first and second ends of the mounting section. The center point is defined in the claim along the longitudinal axis. As explained above with respect to claim 1, and as pointed out to the Examiner, the Bosma filter sections are spaced further from the center point, the opposite of the invention of claim 12. Consequently, withdrawal of the rejection of claim 12 is respectfully requested.

Claims 13-17 depend from claim 1 and are therefore believed patentable for at least the same reasons that claim 12 is patentable.

Method claim 18 recites inter alia providing a vessel filter having a longitudinal axis having a center point, a mounting section, first and second filtering sections each terminating in a converging end region and a plurality of struts extending substantially parallel to the longitudinal axis to engage the vessel wall. In the step of claim 18 of deploying the vessel filter from the delivery member, the vessel filter moves to a placement configuration wherein the converging end regions of the filtering sections are closer to the center of the longitudinal axis of the filter than end portions of the mounting section. As explained above, the Bosma filter has filtering portions which are positioned axially outwardly from the strips 18 which engage the vessel wall, the

opposite of the invention of claim 18. Withdrawal of the rejection is respectfully requested.

Claim 18 also recites that the struts extend substantially parallel to the longitudinal axis to engage a vessel wall. As pointed out to the Examiner, in Smith, the struts curve outwardly into free ends. In fact, the Smith struts are "configured so that they have a minimum of contact with the vessel wall." (column 3, lines 60-61) Thus, Smith lacks this substantially parallel engagement of claim 18 which provides additional surface contact area for retention of the filter. Withdrawal of the rejection of claim 18 is respectfully requested.

Claims 19 and 20 depend from claim 18 and are therefore believed patentable for at least the same reasons that claim 18 is patentable.

Applicants respectfully submit that this application is now in condition for allowance. Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

Dated: 12/7/05

By: 

Neil D. Gershon
Reg. No. 32,225
Attorney for Applicant

Rex Medical
1011 High Ridge Road
Stamford, CT. 06905
203 329-8750